

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MACOMB INTERCEPTOR DRAIN DRAINAGE
DISTRICT,

Plaintiff,

v.

Case No. 11-13101

KWAME KILPATRICK, et al.,

Defendants.

**ORDER HOLDING IN ABEYANCE ATTORNEYS JAMES THOMAS AND
MICHAEL NAUGHTON'S MOTION TO WITHDRAW AS COUNSEL**

On February 10, 2012, attorneys James Thomas and Michael Naughton, counsel for Defendant Kwame Kilpatrick, filed a motion to withdraw as counsel, asserting the following grounds for withdrawal: (1) "counsel's services in the instant matter will cause a very serious impairment to files that are already pending against Mr. Kilpatrick"; (2) "client has failed and or neglected to substantially fulfill an obligation to counsel regarding their services on the file and has been given reasonable warning that withdrawal will occur"; and (3) "it appears that the client and his attorney are no longer able to work in coordination and cooperation in a manner that would serve the best interests of the client." (Thomas and Naughton's Mot. Withdraw ¶¶ 3-6, Feb. 10, 2012, Dkt. # 181.) Counsel also filed a "Consent to Withdrawal of Counsel" signed by Defendant Kilpatrick, (Kilpatrick Consent, Feb. 17, 2012, Dkt. # 184-1), and indicated that Kilpatrick would likely request 30 days to retain alternate counsel, (Thomas and Naughton's Mot. Withdraw ¶ 4.)

Despite counsel's assurances that a withdrawal will not prejudice Defendant Kilpatrick because the proceedings are still at an early stage, the court is nevertheless concerned that given the complexity and Defendant Kilpatrick's central role in this action, withdrawal without arranging for the substitution of counsel will materially harm Defendant Kilpatrick's interests. Accordingly, the court will hold counsel's motion in abeyance for 30 days from the issuance of this order to allow Defendant Kilpatrick an opportunity to retain alternate counsel. If, at the end of this 30-day period, Defendant Kilpatrick has not secured alternate counsel, the court will schedule a hearing at which Defendant Kilpatrick's and counsel's attendance will be compulsory.

IT IS ORDERED that attorneys James Thomas and Michael Naughton's motion to withdraw [Dkt. # 181] is HELD IN ABEYANCE for 30 days from the issuance of this order.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 12, 2012, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522